Ted Linnert EPA, Region V.11, 993 18th St., Ste. 500 9/03-9/04 80202-2466 Denver, CO

Rico Sun-Times



VOL. 7, NO. 16

STILL FREE & STILL INDEPENDENT - SINCE 1997

Rico, Colorado

FEBRUARY 18 - FEBRUARY 24, 2004

LOCAL NEWS

Special Events in the Area

Rico: **■** FOUND GLOVES. Someone left a pair of winter gloves at the Community Church during the Christmas Program. Call 967-2162 to identify.

置The Rico Women's Club "Betty's" will meet on Thursday, March 11th, 7 p.m. at Jen Taylors. Desserts only. Discussion of Rico's Quasquicentennial, and 4th of July festivities. Call Jen at 967-2324 for details.

■The Rico Hotel will be serving Dinner Thursday-Sunday, breakfast Saturday & Sunday. Thursday is \$12 Local's Night. Sunday is apres ski night, great menu, special prices. Call 967-3000 for dinner reservations.

Motherlode Liquors Winter Hours: Mon-Thu. 1-8 p.m., Fri. 1-9 p.m. and Sat. 12-9 p.m. Check out all their microbrews and fine selection of wines!

Cortez: Crow Canyon Archaeological Center is offering scholarships to Four Corners area and Native American teens for participating in the Center's summer programs. O H Th at 007 565

EPA wants to move quickly, Town wants to gather more info

he Environmental time critical approach Protection Agency (EPA) representa-

tives along with the Colorado Department of

Public Health & Environment, and Atlantic Richfield Company (ARCO), made a lengthy pre-

sentation and discussed soil sample findings to a SRO crowd last Wednesday night.

Prior to the meeting individual letters were sent out to consenting homeowners on Friday, February 6th, stating the results of the EPA's lead level testing in their yards.

From the first public meeting with the EPA back in December 2003, the EPA is standing by their assessment that a for clean up is emi-

But Town officials don't

"We're interested in how see it you think we ought that to proceed," --EPA representative officials want to Max Dodson

> and choose the best scenario for the good of Rico and its residents.

way.

Town

weigh all options

It was apparent at Wednesday night's meeting that the EPA is not in favor of a voluntary clean up, fearing that their involvement will be minimal.

A voluntary clean up does not mean that individual homeowners will be responsible for removing any contaminated soil from their yards, as reported continued on page 7



EPA, ARCO, and CDPH&E make presentation to packed Town Hall.

Senate Committee rejects permanent fee demo, passes bill for NP only

Grassroots effort moves Parks Fee legislation

In what is being called a 'remarkable victory,' opponents of the Recreation Fee Demonstration Program are today celebrating what they see as the beginning of the end of recreation fees on the National Forests and other public lands.

Despite enormous pressure from the Department of Interior and the Department of Agriculture to make the Fee Demo prograin permanent for the National Parks, Forest Service, BLM, and US Fish and Wild-

life Service, the Senate Energy & Natural Resources Committee Wednesday, Feb. 11, unanimously voted to pass S. 1107, the Recreational Fee Authority Act (Senator Craig Thomas, R-WY), which makes recreation fees permanent for the National Parks only.

The bill will allow fee Demo to lapse for the BLM, US Forest Service and US Fish & Wildlife Service.

Fee-opponents in recent continued on page 6

The Rico Elementary School is now offering to the residents a Community Involvement Program.

Teacher Andy Waterman is

The activity may be anything from reading your favorite story to a multi-day art project.

Residents who are interested

BPA reveals test results and several options to

constructed from the se

inva recept Plats Pateu is a use. A vojiman velsamp means tha the potentially responsible party (PRP), which would be ARCO Rico Renaissance and Rico Properties, would unite with Town officials and implement their own plan of cleanup,

ARCO has formally stated that they are willing to do a Voluntary Cleanup and has submitted a draft VCUP application to Town Attorney Eric Heil and Town Manager Ashton Harrison

Assistant Regional Administrator Max Dodson said. "There are no major modifications or new revelations since we were here last." He added, "But there are some elevated levels that lend themselves to felt appropriate were: early removal."

EPA On-Scene Coordinator Floyd Nichols presented a slide show of the various phases of cleanup in Stockton, Utah at the Jacobs Smelter/Eureka Mills mine. The town was labeled a NPL (National Priority Listing) site.

Nichols said the Utah site was listed, cleaned up, and delisted, within three years.

Dodson expressed the sentiment of EPA, ARCO, and tics were in agreemen shiften immediate of early swas needed

"We don't want to have to come back in 10 on 15 years Mark Walker, CDPH&E

"We're interested in how you (as a town) think we ought to proceed," Dodson said.

"Our goal is to listen to what." the community has to say and to minimize the disturbance and inconvenience this may cause We're proposing an aggressive and cadmium were not found in schedule to reach completion and a the testing, according to EPA Site as in not allowing enough time to inconvenience." stated Dodson.

Two options that Dodson

- 1) The EPA would exercise its authority and proceed forward with cleanup at sites that propose acute risk:
- 2) Entering an administrative order consent-the cleanup would be orchestrated by ARCO, but under EPA & CDPH&E's direction.

Mark Walker from CDPH&E stated that he was comfortable with entering a voluntary cleanup with ARCO, but that he didn't want to lose sight of the

tremedely learning area said areas and a large majority of houses will need to be tested

Wesdon tiwant to have to some backin 10 on 2 years? said Walker

Mining towns generally have a history of elevated levels of particular minerals, but they vary from one mining district to the next, and their bioavailability numbers differ as well. Walker said that Rico's bioavailability numbers "remains to be determined".

High levels of arsenic, zinc, we think this will minimize the Assessment Mgr. Luke Chavez.

> Dr. Susan Griffin, an EPA Toxicologist presented facts to the public regarding the need for medical and environmental intervention for children, and long term risks that may occur 5-10 years later. Griffin said that children's exposure to lead is greater than adults due to the fact that they play outdoors in the dirt, and their bodies absorb it faster.

> The good news according to Griffin is that the State Health Department has reported no elevated blood levels in this zip code.

and an analysis of the same of the same not trying to derail future growth or the installation of a sewer system if they were to list the cleanup as a NPL.

Town officials and residents disagree

They feel that the stigma attached to a NPL site would deter prospective businesses and homeowners, and at the same time adversely impact the infrastructure for the sewer system.

Town officials also think that the "as early as this summer" time crunch that EPA is trying to impose is shortsighted do more comprehensive testing, cleanup," said Dodson, and planning.

To date, only one-quarter of all homes and businesses have been tested.

Closing comments from Town Manager Ashton ing to accept ARCO's proposed Harrison invoked the view of many, "We'd like time to digest

an (anticol matron with the supply think (the autown) Bourd awould be willing to make a map deci-Stone of this

The floor opened up for a O&A to residents after the EPA and ARCO made their presentations.

One resident asked about the runoff into the Dolores River. Nichols said. "All indications to date meet stream standards comfortably.

Another resident asked. "Is it necessary to cleanup if you've got a good bed of grass and the kids are gone?"

"It's never too late to

The Town Board will meet on Wednesday, February 18th. 7 p.m. at Town Hall for their regular monthly meeting. The agenda will reflect a 1st readdraft VCUP application.

Avalanche season is Jan. - March

continued from page 1

scale, since Feb. 3, according to the Colorado Avalanche Information Center. A snowstorm at the beginning of the month raised the level one notch from "moderate," Williams said.

January through March is the season's most dangerous period.

pulled from the snow. Johnson administered CPR and resuscitated him.

The three other skiers in the party, all from Boulder County, were not caught in the slide.

The Alpine Rescue Team and Loveland Ski Patrol re-

and had no pulse when he was and then stuck together are layered on top of a weaker layer of snow. This slabby layer, he said, gives a misleading feel that it is strong, but it can easily cave in on the weak layer beneath, causing an avalanche.

A 47-year-old man from Ken- Caryl Ranch was killed monded to the scene Flight for # Feb. 17, 2003, by an avalanche





Serving You for 30 Years!

340 West 1st • Cortez, CO 81321 (970) 565-9386 • FAX: (970) 565-1094



WELLS FARGO

HOME MORTGAGE

Home Loans for

Winter Activities Real Estate Norwood Post • Main Local We

Local News

Tuesday, February 24, 2004



more..

Top Stories Cop Shop Sports The Pulse Calendar Horoscopes Classifieds **Archives** Previous Week's Stories Summer Festivals

Services

Subscribe Online Letter to the Editor Place Classified Ad Contact Us Guestbook

Special Sections

Business Directory National News Financial News Health News Entertainment Travel

Archives

The dirt on Rico: EPA wants action soon

By Kara Tatone

How hazardous is the lead contamination underlying Rico's backyards? The **Environmental Protection Agency said** this week it's enough to warrant an almost immediate cleanup of the town.

EPA officials Wednesday night handed the town an approximate six-week deadline to decide how it will approach its contamination problem before the agency makes the decision itself. Test results released this week showed lead levels in residential soils well above EPA safety standards.

But Rico officials said those results do not provide enough information to allow them to come up with a cleanup plan in the time allotted.

"They've tested only a small fraction of the land in Rico, they've sampled a quarter of the houses, and decided there are high levels that they knew and we knew years ago," Rico Town Attorney Eric Heil said.

"The best of what the town can make of this is they're asking us to move fast S we feel like we're being pressured without all the information."

Rico residents, landowners and town officials packed the Rico Town Hall Wednesday night to get the word from EPA officials and toxicologists to decide on the future of the town's high lead level soils.

At the meeting EPA officials announced that its concern over the town's contamination levels has motivated the agency to push for a cleanup to start as early as this summer. In preparation for that effort, the agency asked the town to decide how it would like to approach the cleanup:

voluntarily, with help from former mine owner Atlantic Ridgefield Company or in a voluntary program.

But Ehlert said Thursday that, realistically, the effort would likely have to be undertaken by either her agency or ARCO - not the town.

"We're hesitant to say voluntary cleanup will work at this level," Ehlert said, "It

looks like two things are driving [the cleanup] - the EPA and ARCO. In order for us to see that something will be done, we're proceeding to prepare to do the work ourselves."

Final results of soil analysis on 54 private and town-owned tested sites confirmed weighty levels of lead contamination on about 10 sites last month, and found some slightly elevated levels of arsenic and zinc in others.

But EPA chief of site assessment managers Debra Ehlert said the agency's main concern is lead, and, though a Superfund designation for Rico - a brand that could damage the town's financial capabilities and ward off potential land and business owners from the growing community - isn't planned, Ehlert said, it hasn't been ruled out as a possibility.

"We've heard about this town and the trepidation of having this [Superfund] stigma, but we haven't taken listing totally off the table yet. But we'll listen to the community," she said. "And listing itself takes a long time - we don't have that much time to deal with what we need to deal with. But we maintain the authority to do what a Superfund allows us to do."

The federal agency starts considering cleanup action when lead levels over 400 parts per million are found - a few Rico residential sites showed levels as high as 3,000 ppm. According to results from the Rico soil samples taken in the fall, eight sites tested over 2,000 ppm and four tested at more than 3,000 ppm levels, which Ehlert said are the reason the EPA wants to start a cleanup on an accelerated level.

According to Ehlert, the difference between an EPA cleanup and another party performing the job is, "we clean up yards to our satisfaction, we leave a letter we're no longer concerned, and residents get a clean bill of health, a very important document if the owner wants to sell the house, et cetera," she said.

At Wednesday's meeting, EPA officials showed slides of an EPA cleanup site in Utah to give residents an idea of what could happen to local soils and yards if the agency takes over cleanup. The work may involve backhoe excavations to scrape the yard and dust control.

"The bottom line is we're going to digest the information," said Rico Board of Trustees

member Steve Snelling. "Cleanup is imminent, time is flexible. It looks like they're trying to do their job and being thorough, which might mean a lot of things. There are a lot of unanswered questions on the line."

That Rico soils have elevated levels of toxins is no mystery - the town has historically been a mining community, and such areas are known to frequently be the site of significant contamination.

"In general what we found is comparable to what we find in mining areas of the West," Ehlert said.

Rico officials in recent years have sought help to solve what it has seen as a more pressing problem as a result of its mining history than lead levels in its yards - an abandoned mine that constantly spews contaminated water into the Dolores River basin.

Looking for help to fix that issue, Rico sought EPA assistance in cleaning up the mine, but last fall found that, when agency officials showed up, they started testing soil, nurturing local fears that the town was being primed for a broad

Superfund designation.

EPA officials have said that, though Superfund is unlikely for the town, its duty is to protect the health of the local residents through whatever means it deems necessary.

"When the EPA comes to a neighborhood it's not one house, but the whole neighborhood," said Ehlert. "We were not only looking at the tunnel, river Š the surrounding area."

An EPA toxicologist explained the dangers of lead physically encountered in high doses.

"The risk-based part of this lead at elevated levels is not a good thing, but it has to be ingested, inhaled, through skin, has to be in contact physically, not like radon or a gas," Ehlert said.

Lead particles in the air or water can be hazardous, and models with 3,000-plus ppm models have proven high enough to alarm the federal Centers for Disease Control. High lead levels in the blood can impact the central nervous system, and interfere with a child's development of the nervous system.

"The numbers that the EPA uses to determine what is and not safe levels have changed dramatically over the years Š what was medically considered innocuous, later is considered highly toxic by the EPA," Snelling said. "But if there is some toxicity that can be mitigated by a cleanup it is probably within the town's best interest to deal with it."

The Rico board will discuss lead contamination and cleanup options at its monthly meeting on Wednesday at 7 p.m. at the town hall.

Print this story

Email this story

Copyright © 2004 Telluride Daily Planet, A Division of Womack Publishing Compan

Printable Version

Rico dubious of EPA designation

By Ben Murray

The ghosts of Rico's mining past have returned to cloud its future. A recent push by Environmental Protection Agency officials to finally resolve liability issues and put an end to the tainted flow from an abandoned mine above the Dolores River north of town has unearthed a potentially larger issue: lead.

While the tests are still out, Rico officials have recently feared that contamination levels could result in the town being slapped with a "Superfund" clean-up label and all the industrial waste zone stigmas and financial implications it brings.

"We got pretty nervous and concerned - we felt like decisions were getting ahead of disseminating information to the community," said Rico town attorney Eric Heil. "There's definitely a stigma about Superfund. People associate that with the worst-polluted, hazardous areas Š in the country."

Though they could not completely rule it out as a possibility, EPA officials agreed that Superfund designation could equate to a bad reputation for a town. According to EPA Assistant Regional Administrator Max Dodson, however, based on the preliminary tests, Rico doesn't seem like a likely candidate to get stuck with the dubious distinction.

"It's not a site the really jumps out at you [as Superfund potential]. The gravity doesn't seem to warrant that approach," he said. "It doesn't compete with other NPL-listed sites in terms of contamination." The NPL, or National Priority List, is another name for the Superfund list.

Ted Linnert, the EPA's community involvement coordinator for Rico on the projects, said the EPA realizes the impact a Superfund designation could have, and the agency wants to work with the town to come up with an amicable solution.

"There's no doubt that there's a stigma attached to Superfund sites," Linnert said, adding that the agency is "absolutely not interested" in pushing the designation on the town.

"We really would like to do what they think is best for their town," he said.

In any case, no moves will be made until the analysis is completed early next year on a second round of soil tests intended to reveal the level of naturally-occurring lead versus the amount left by the mine. In the meantime, an informational meeting on the issue is scheduled for Dec. 5 at the Rico Town Hall.

Water leads to lead

Town officials have known for nearly a decade that its soil has elevated lead levels, but the cleanup of that contamination has generally been overshadowed by an effort to stem the unabated flow of polluted water running from the nearby St. Louis Mine.

The EPA's interest in re-starting a water plant, deserted six years ago when the property changed hands several times, eventually overflowed into Rico itself. This summer the agency offered to test for lead, commonly found in former mining towns, Linnert said.

Initial testing this summer showed elevated lead levels in Rico's soil, prompting the federal agency to return with a plan to take samples from land of approximately 40 residences in the town, Heil said.

But when the inspectors showed up and asked to test soil from Rico's streets as well, the town turned them down - tests on municipal lands had never been mentioned, and the town isn't protected from EPA lawsuits forcing cleanup the way individual landowners are, Heil said.

"The reason we said no was because it was out of the blue, at the last minute," he said. "and that's not the way you go about working with the EPA."

Regardless, the rebuff prompted an editorial in The Denver Post, which urged Rico to "make nice" with the EPA, and which also lumped the polluted mine outflow with the soil sampling.

But both Heil and EPA officials said that the solutions to the two problems are essentially separate and should be dealt with individually.

From an EPA standpoint, Dobson said, it was his decision to approach the problems separately, which he plans to do. "I've made that policy decision," he said

Heil said the it was the EPA's decision to investigate lead in the town's soil in the first place, while the town was clamoring about the St. Louis Tunnel pollution. "The EPA really just took the charge up on that," Heil said.

Linnert had a different vision of the genesis of the lead testing, saying the study grew out of the EPA's offer at an August Rico town meeting to perform soil testing if individuals wanted it.

After several residents contacted the EPA to have tests performed on their property, the agency came to town and began the preliminary study that led to the pending, more extensive sampling, he said.

the stigma of Superfund

Rico officials are nervous that the government agency could call for a program that would clean the town's soil - but render it all virtually unsalable.

Heil said that Rico's main concern with a potential Superfund cleanup is that it will drive real estate buyers and building projects away from the town and lower its growth rate. With several major municipal projects in the hopper already, the loss of that growth rate could financially cripple the town, he said.

One of those projects, a \$5 million sewer system upgrade, would have forced the town to deal with lead levels in its soil on its own schedule, Heil said, sometime down the road.

He also said that the town isn't inherently resistant to cleanup help from the EPA - it's just anxious about how the agency will want to deal with a project that could have deep ramifications for the future of the town.

While Linnert and Dodson maintained that the Superfund distinction isn't likely, they said that a large part of the EPA's mandate is to protect human health, and if the tests come back showing a threat to that health, the agency will be forced to act accordingly.

Linnert said another option that could work for Rico would be to define the town as a Brownfields program - usually reserved for light or abandoned industrial areas to be cleaned up with federal funds - but added that emergency cleanup action couldn't be ruled out, pending the tests.

"In general we are not eager to put [Rico] on the NPL list," Linnert said.

An agreement

Heil said he has suggested that an agreement formed between the state and Arco - the mining company liable for the cleanup of much of Rico's pollution - be forged much like the successful pact between state officials, the towns of Telluride and Ouray and the Idarado Mining Co. to clean up contamination at the east end of Telluride.

That agreement, considered precedent-setting, was hammered out in the early 1990s following a decade of legislation that ensued after the state sued Idarado under Superfund provisions in the early 1980s.

But the idea to come to a similar multi-party agreement in Rico and avoid federal designation, to date, said Heil, has been met with a cold shoulder.

"They have been disinterested in that approach so far," Heil said

For now, officials on both sides of the issue hesitate to predict how the matter will be handled in the coming months. Both Heil and Linnert said that, until the final results of the soil tests are known, it's hard to know what path the EPA will try to take.

Main • Winter Activities

Norwood Post •

Real Estate

Local We

Local News



20 F

Top Stories
Cop Shop
Sports
The Pulse
Calendar
Horoscopes
Classifieds
Archives
Previous Week's
Stories
Summer Festivals

Services

Subscribe Online Letter to the Editor Place Classified Ad Contact Us Guestbook

Special Sections

Business Directory National News Financial News Health News Entertainment Travel

Tuesday, February 24, 2004

Archives

Under EPA gun, Rico eyes cleanup plan

By Kara Tatone

Wary of a potential move by the Environmental Protection Agency to come into the town and begin a federally-mandated cleanup of its contaminated soil, Rico town officials took a hurried step to approve an alternate cleanup solution.

At its monthly town meeting Rico's board and residents gave preliminary approval to a voluntary cleanup plan to be executed by former nearby mine owner Atlantic Richfield Co., or ARCO, to deal with what the EPA has called an immediate problem, requiring an immediate answer.

Rico made the decision this week under an EPA mandate that may require the town and ARCO to either come up with their own solution to the problem by about the middle of next month or turn the matter over to the federal agency.

That vague deadline, delivered Feb. 18 by EPA representatives, solicited unfavorable reactions from Rico officials, who said the deadline is too fast to allow the town to come up with a plan, and that evidence justifying such a quick turnaround is essentially incomplete.

And even as Rico hurried this week to hash out options for an independent plan, EPA officials Thursday backed away from that deadline somewhat, saying it is not set in stone.

EPA Region 8 Assistant Administrator Max Dodson said Thursday that his agency slowed down the process in light of Rico officials' and residents' concerns and will listen to the community's needs before it moves.

"We're most interested in what the perspectives were from last night, and they've done a good job communicating with us," said Dodson. "[Mayor Tom Clark] clearly wanted a lot of answers - we're not going to mobilize. We didn't want to do anything hasty, I'm hearing this loud and clear."

But at Wednesday night's meeting, Rico officials hadn't received that word, and took steps to meet the mid-March date.

ARCO Representative Dave Harman at the meeting called his company's cleanup approach a quick and efficient method, without the lingering effects he said EPA cleanups have had on other towns.

"We don't want to be here any longer than you want us to be here," Harman said to the Rico assembly. "My fear is, if a decision isn't made, the EPA is going to make it for you."

Harman was referring to the EPA's option to flex its federal muscle and mandate a cleanup in the town under a program of its choosing from a list officials have said still includes the Superfund designation. Rico officials have been wary of an EPA-controlled cleanup in their town, saying it could result in a stigma that could staunch the budding town's recent growth.

But EPA representatives told Rico officials and residents last week that they had only about a month and half to decide how it wanted to see the cleanup happen.

The federal agency has said that, based on the results of about 50 soil tests taken in the fall, a cleanup should be underway by the summer, or as soon as weather permits.

Many called the meeting a show by the EPA and felt pressured by the immediacy the agency said was needed to react to an age-old problem in the former mining community.

Residents and the Rico Board of Trustees still question the quickness with which the EPA wants to dig into its town soil. Officials want to see more comprehensive soil testing first because they said the EPA has tested just a quarter of privately owned town sites under its own standards, instead of allowing Rico to hire an independent tester.

"There seems to be no reason to rush and it seems like we're only going to have an inefficient cleanup," said Rico Board of Trustees member Jon Kornbluh. "The EPA is not allowing the town to move forward as we should, they're rushing the town and without comprehensive testing. It's a common part of the process, the third party process, why the rush?"

Residents were alarmed by the EPA's call for quick action, and looked to the ARCO cleanup as a potential cooperative solution that would keep the federal agency out of the town.

"Well this has gotten kind of scary all of the sudden, hasn't it?" said resident and Telluride Real Estate Corp. broker in Rico Keith Lindauer.

The EPA's determination of elevated lead levels is also at question by town residents and officials. The EPA considers lead levels more than 400 parts per million to be a problem but Rico Town Attorney Eric Heil questioned whether that level is universally considered too high.

"Is 400 or 500 parts per million okay? Is 700 okay?" he said. "There's more to this than the EPA will come in and clean, there are more ramifications than that."

Heil fears Rico could experience problems like the town of Eureka, Utah where an EPA cleanup damaged roads, sewer lines, and foundations, and rendered some residents unable to refinance homes due to the EPA's mandate.

Heil said the town needs more than the agency's one- to two-month deadline

to react.

"Last Wednesday was day one for us to think into this issue," said Heil. "And it's no less complex than [our] sewer project."

ARCO agreed the test findings came fast and wants to take on the project quickly, though after more comprehensive soil testing has been done on other sites.

"We're at a disadvantage too because we've just received the data, we haven't had the opportunity to look at closely, to evaluate," said Harman. "Since this is a Superfund-type action we felt we needed to intervene."

An ARCO intervention would likely include financial assistance from landowners Rico Renaissance and Rico Properties, as well as backing from the Town of Rico.

According to its preliminary plan, ARCO would conduct further soil sampling on all occupied and some unoccupied lots in the town, and continue to evaluate human risk to determine a parts per million number that accurately requires cleanup under the Colorado Department of Public Health and Environment. "We'll evaluate the risk, the true risk," he said.

"This is a task the size of, equal to, our sewer project. It's as important of a decision as that, and this town has taken eight to 10 years to plan [the sewer project]," said Kornbluh. "We're all in favor of cleaning up lead but we don't have enough comprehensive data to support."

Dodson asked for a list of questions and concerns from Rico residents to be reviewed and discussed at another public meeting later this month.

Print this story

Email this story

Copyright © 2004 Telluride Daily Planet, A Division of Womack Publishing Compan